

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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RASZELL REEDER,

Plaintiff,

-v -

9:09-CV-0575

DALE ARTUS, Superintendent; THOMAS  
LaVALLE, Deputy Superintendent; STEVEN  
RACETTE, Deputy Superintendent of Security;  
TARA BROUSSEAU, I.G.P. Supervisor; D.  
HOLDRIDGE, Captain; UHLER, Captain;  
LAMORA, Lt.; LYNCH, Lt.; HICKS, MENARD,  
BAKER, MATOTT, MARCIL, Each Sergeant;  
GREGORY SAVAGE, Mental Health Counselor;  
J. SPRENGER, Chaplain; RONALD DURMONT,  
Registered Nurse and Examiner; MOLLER,  
TUCKER, MARTIN, SHUTTS, GROM, POUPORE,  
BOULRICE, MOSELEY, TRUDEAU, R. TRUDEAU,  
ALLEN, MINER, GITTENS, BESAW, TETREAU,LT,  
JOHN DOE, and BODET, Each Corrections Officer;  
RICHARD ROY, Inspector General; NUNEZ, Inspector  
General; JAMES MORGAN, Associate Director  
of Quality Management; JOANNE WALDRON,  
Unit Chief; and MAUREEN BOSCO, Forensic  
Program Administrator,  
Defendants.

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APPEARANCES:

OF COUNSEL:

RASZELL REEDER  
94-A-6388  
Plaintiff, *pro se*  
Clinton Correctional Facility  
P.O. Box 2001  
Dannemora, NY 12929

HON. ANDREW M. CUOMO  
New York State Attorney General  
Attorney for Defendants  
The Capitol  
Albany, NY 12224

JUSTIN C. LEVIN, Esq.  
Assistant Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Raszell Reeder, brought this civil rights action in May 2009, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated July 27, 2010, the Honorable David R. Homer, United States Magistrate Judge, recommended that defendant's motion for judgment on the pleadings be denied as to plaintiff's claims of medical indifference against defendant Durmont; excessive force against defendants Menard, Martin, Shutts, and Tucker; failure to intervene against defendants Grom and Moller; failure to protect against defendant Nunez; deprivation of food against defendants Moseley, Boulrice, Holdridge, Gittens, Baker, C. Trudeau, Poupore, Allen, Tetreault, and Besaw; and granted as to all other claims and all other moving defendants; and that the complaint be dismissed without prejudice as to defendant John Doe. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the file, and the recommendations of Magistrate Judge Homer, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. Defendants' motion for judgment on the pleadings is DENIED as to plaintiff's claims of medical indifference against defendant Durmont;
2. Defendants' motion for judgment on the pleadings is DENIED as to plaintiff's claims of excessive force against defendants Menard, Martin, Shutts, and Tucker;
3. Defendant's motion for judgment on the pleadings is DENIED as to plaintiff's claims of failure to intervene against defendants Grom and Moller;

4. Defendants' motion for judgment on the pleadings is DENIED as to plaintiff's claims of failure to protect against defendant Nunez;

5. Defendants' motion for judgment on the pleadings is DENIED as to plaintiff's claims of deprivation of food against defendants Moseley, Boulrice, Holdridge, Gittens, Baker, C. Trudeau, Poupore, Allen, Tetreault, and Besaw; and

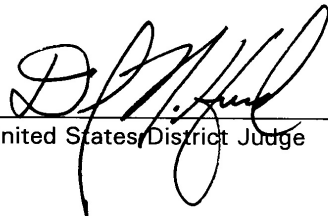
6. Defendants' motion for judgment on the pleadings is GRANTED as to all of plaintiff's other claims and all other moving defendants;

7. The complaint is DISMISSED without prejudice as to defendant John Doe; and

8. The file is to be returned to the Magistrate Judge for all further pretrial proceedings.

IT IS SO ORDERED.

Dated: September 9, 2010  
Utica, New York.

  
United States District Judge